



EXTRA HELP IN EDUCATION FOR 19-25-YEAR-OLDS

This factsheet is for parents/carers of young people with special educational needs aged between 19-25 in England. It describes the education options available for your son or daughter, and their right to extra help.

WHAT ARE SPECIAL EDUCATIONAL NEEDS?

The law says:

“A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.”

Children and Families Act 2014 section 20.1

A child with special educational needs (SEN) may need more help, or a different kind of help, from that usually given to children of the same age.

In 2014 the Children and Families Act came into force. This law extended the special educational needs system to young people up to the age of 25. It also brought in Education, Health and Care plans (EHC plans) to replace statements.

WHAT IS AN EHC PLAN?

An EHC plan is a legal document which entitles a child or young person to extra help so they can access education. Some young people will need an EHC plan to finish their education or training. This is likely to be the case if they need more help with their education than a mainstream college can normally provide, and if they were previously supported through a Statement of Special Educational Needs in school or a Learning Difficulty Assessment in college.

Your son or daughter may not have had this support, or they may be returning to education after a long break. If they may need an EHC Plan to finish their education or training, you or your son or daughter can ask the local authority to carry out an EHC needs assessment.

A request can be made at any time before a young person's 25th birthday. See our factsheets *Education, Health and Care needs assessments* and *Education, Health and Care plans* for further information about the process.

IMPORTANT CHANGES UNDER THE CHILDREN AND FAMILIES ACT

- *further education colleges have the same duties as schools to use their best endeavours to provide extra support to learners with a special educational need or disability (SEND)*
- *young people with special educational needs can have an EHC plan if they need more educational support than a mainstream education setting could normally provide*
- *young people can express a preference for a mainstream or specialist college to be named on an EHC plan, including a wide range of independent providers*
- *young people have a right to be consulted and to make their own decisions about the EHC process, if they have the mental capacity to do this.*

EDUCATION BEYOND 19 –WHAT DOES IT LOOK LIKE?

Many young people with SEN will move on from their school or college at around age 19. Some may continue in a specialist or mainstream education setting, whilst others may continue their education outside a formal institution.

‘Education’ has a broad meaning for young people with SEN in this age group. It does not have to include studying for formal qualifications. Work experience or learning to do daily tasks independently can be part of an educational programme. A recent court case

established that for adults over 19, 'education' can include small steps of progress towards achieving a skill such as communication.

A FOCUS ON PREPARING FOR ADULTHOOD

Education should include help for a young person to move into adult life. This process should have started when your son or daughter was 13 or 14. If they have an EHC plan in place it is an important part of the annual review process. However, even if this preparation has not happened in the past, it is not too late to start.

The SEND Code of Practice (Government guidance on how to implement the Children and Families Act 2014) says preparing for adulthood means preparing for:

- **higher education and/or employment**
- **independent living**
- **participating in society: friendships and contributing to the local community**
- **being as healthy as possible in adult life.**

YOUNG PEOPLE WITH EHC PLANS

An EHC plan can continue beyond age 19 and in some cases up to age 25, although this is not automatic. The plan can continue as long as your son or daughter still has special educational needs, stays in some kind of education or training, and it is still necessary for the local authority to arrange the extra support they need in order to achieve the educational outcomes set out in their EHC plan.

It isn't necessary for your son or daughter to be studying for a certain number of hours, be on an accredited course, or progressing towards formal qualifications to have an EHC plan. Although there is no legal right to full time education across five days a week for young people over compulsory school age, local authorities have a duty to consider whether this is appropriate to meet the young person's needs.

The five day provision does not have to be at one provider and can include work experience and other activities such as independent travel training, managing money or communication and self-help skills. Some of this support may be funded by adult social care.

WHEN WILL MY CHILD'S EHC PLAN END?

Your son or daughter's EHC plan will automatically end if:

- **they progress to a level 4 course (degree level) at college or university**
- **they leave education to take up paid employment**
- **they leave education and no longer wish to return.**

The local authority can decide to end the plan if your son or daughter no longer has special educational needs and/or does not need to stay in education or training. An EHC plan cannot stay in place if your son or daughter only has health or social care needs.

Before deciding to end an EHC plan, the local authority must consider the following:

- **whether the young person still has special educational needs**
- **whether they need more time to achieve the education and training outcomes in their EHC plan.**

Local authorities must make decisions on an individual basis. They should not end an EHC plan just because your son or daughter has reached 19, or because they have completed two years of further education.

WHAT HAPPENS IF A YOUNG PERSON HAS A BREAK IN THEIR EDUCATION?

Some young people may have a break in their education. This may happen, for example, if it takes a long time to find a suitable college, if they change their mind about a course, or if they become ill. In such situations the EHC plan should continue. It should not be ended unless a review has been carried out and it is clear that the young person does not want to return to education.

A local authority can legally end a plan on a young person's 25th birthday. The local authority should only do this if the education and training outcomes in the EHC plan have been achieved. If the young person is part way through a course, the local authority can, at their discretion, continue the EHC plan to the end of the academic year. Support should not stop abruptly. Whatever their age, preparation for your son or daughter's transition to the next stage of their life should begin well before the EHC plan is due to end.

WHAT ARE MY SON OR DAUGHTER'S EDUCATION OPTIONS AFTER 19?

School

In most cases, young people cannot stay on at school beyond 18. However, a young person may stay on at school in order to finish a course started before their 19th birthday.

An increasing number of special schools are developing separate provision for 19-25 year olds.

Mainstream further education college

A mainstream college may be the right setting for your son or daughter. Mainstream colleges offer:

- **academic courses**
- **vocational courses**
- **life skills courses to help young people prepare for adult life, work and participating in the community.**

You and your son or daughter should receive information and advice about suitable courses in good time to make the right decision. This discussion should be part of their annual review. Your son or daughter's needs and wishes should be at the centre of the process. They should not be shoe-horned onto a course which doesn't match their interests or abilities.

Specialist further education college

A specialist further education (FE) college provides education only for young people with special educational needs. Some have residential facilities and provide what is commonly called a waking day or 24 hour curriculum.

You have the right to express a preference for a specialist FE college to be named in your son or daughter's EHC plan. The local authority must agree to your preference unless certain exceptions apply. It is not necessary to prove that a mainstream college cannot meet your son or daughter's needs before asking for a specialist placement. However, if the local authority believe that a local college can also meet your son or daughter's needs, they may refuse your request on the grounds of cost.

Work-based learning

Your son or daughter's EHC plan can remain in place if they move on to work-based learning.

Work-based learning options are:

- **supported internship: workplace training and study to help young people with SEND find work**
- **traineeship: helps young people gain skills to get a job or apprenticeship. Includes work experience and help with maths and English.**
- **apprenticeship: study towards qualifications combined with paid on the job training.**

Individually tailored education

If your son or daughter moves on to a social care setting, for example an adult residential or day care setting, they may be able to keep their EHC plan if they still receive some education.

The EHC plan can name alternative provision, such as home-based tuition or therapy, if the local authority agrees it is the only way to meet your son or daughter's educational needs. This might be suitable if your son or daughter has been out of formal education for a long time and would struggle to return to a college setting. Getting an individual package in place can be challenging and the local authority should provide support and advice, including advice about personal budgets if appropriate. Please see our factsheet ***Personal Budgets in England*** for more information.

Universities/higher education

Your son or daughter may progress to a higher education course (degree level) at university. Universities have duties under the Equality Act 2010 to make reasonable adjustments for disabled students. This can include support such as flexible seminar times, support for study skills or access to specialist computer equipment. Students with higher needs may qualify for a Disabled Students Allowance to fund specific help such as note takers, sign language interpreters or specialist IT equipment.

Your son or daughter has the right of appeal to a Special Educational Needs and Disability Tribunal against a decision to end their EHC plan. The local authority must maintain an EHC plan in its current form until the two month deadline for appeal has lapsed, or until a tribunal has decided that the plan must cease.

YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS WHO DO NOT HAVE AN EHC PLAN

Your son or daughter may have difficulty with learning, but may not need an EHC plan if their education provider can give them all additional help they need.

All education, training and service providers must treat disabled people fairly and make reasonable adjustments for them, for example, providing a flexible timetable or recordings of lectures. Mainstream colleges have a legal duty to do their best to provide extra help for learners with special educational needs.

Help might include individual tuition or mentoring, computer equipment or note takers. Extra help should be detailed in a special educational needs support plan and reviewed at least three times a year. Colleges should refer to specialist services for further advice and support, for example educational psychology.

TRANSPORT TO FURTHER EDUCATION

Help with transport to education is not an automatic right for disabled young people. The law states that local authorities must provide free transport arrangements if they consider it necessary to enable adults to attend education.

The local authority must publish an annual transport policy statement setting out travel arrangements for young people in their area, including those with EHC plans. Many local authorities will expect young people to use public transport if they can, as this is more cost effective. Independent travel training may be available through college or voluntary organisations.

The local authority should assess your son or daughter's transport needs individually, but because of cost, they will not usually agree to individual arrangements unless there is very strong evidence of need. Local authorities must have an appeal process to challenge transport decisions.

Under the Care Act 2014, there is also a duty on social services to provide transport where necessary to enable adults to access education.



For more information on transport for young people over 16 visit

www.contact.org.uk/transport-over-16

INVOLVING YOUNG PEOPLE AND FAMILIES IN DECISIONS ABOUT EDUCATION

After age 16 the right to make decisions about their support passes to a young person directly. For example, your son or daughter can request an EHC needs assessment or appeal to the Special Educational Needs Tribunal in their own right.

It is assumed that a young person has this right unless they lack the mental capacity to make a particular decision. A person has mental capacity if they can understand and remember the information they are given, can weigh it up and communicate their decision. Young people must be given access to independent support to make decisions and communicate their views, if they want this.

If your son or daughter does not have the mental capacity to make a particular decision about their education, it is normally expected that you as their parent will do this on their behalf, except where a deputy has been appointed by the courts.

You can always continue to support your son or daughter if they are happy for you to do this. Even if your son or daughter can make some choices independently, they may still need your help in many ways, for example with form filling or exploring course options. Making increasingly complex choices is a skill that has to be learned like any other and this should be part of your son or daughter's preparation for adulthood from the earliest years.

FUNDING FOR FURTHER EDUCATION

The Government has made it clear that colleges should not refuse to admit a young person who has special educational needs but doesn't yet have an EHC plan.

For young people over 19 without EHC plans, tuition fees may be charged, depending on the type and level of course. Learners on certain benefits may be exempt: check the college's fee remission policy.

Certain courses may be free, for example basic maths, English or employment skills, or a first GCSE or A level course. Colleges and training providers can also help with course fees at their discretion.

Further education colleges receive funding to meet the cost of additional support and reasonable adjustments to all learners with special educational needs and/or disabilities. Those who need a higher level of additional help should have an EHC plan.

Young people aged 19-25 with an EHC plan receive free tuition, as long as the course meets the outcomes in their EHC plan.

Providers of apprenticeships receive funding for all young people, and the amount is increased for a young person with an EHC plan.

Depending on the course, other financial support may be available – ask your son or daughter’s education provider about this.

BENEFITS

Once your son or daughter turns 20, you can no longer receive benefit payments for them as a dependent. This includes Child Benefit, Child Tax Credits or any Universal Credit payments you get for them as a dependent child.

These payments may stop sooner – for instance if your child leaves non-advanced education at an earlier point, or if they chose to claim certain benefits such as Employment and Support Allowance or Universal Credit in their own right.

If a young person is aged 18 or above and leaves education this may also affect the amount of help you get with rent, mortgage interest and council tax. The rules are complex so seek individual advice.



For more information on benefits for young people over 16 visit

www.contact.org.uk/benefits-at-16

TRANSITION TO ADULT SERVICES

If your son or daughter needs ongoing health or social care support, at some point they will move from child to adult services. This is likely to be around age 18, but it could happen at a younger or older age depending on where you live and the professionals involved in their care.

Under the Children and Families Act there is a legal duty on the local authority to work together with other services to ensure that education, health and social care support is coordinated for a child or young person with an EHC plan. This transition planning should be part of the annual review of your son or daughter’s EHC plan. It is a legal requirement that a health and a social care professional are invited to all annual review meetings.

The National Institute of Clinical Excellence (NICE) has produced guidance on transition from child to adult health and social care services. This should be followed unless there is very good reason not to. The guidance states that transition planning should start at age 13-14 or at whatever point an older child or young person enters the service.

The transition plan should be reviewed every year. A named worker should be identified, and this person should take the lead in coordinating the young person’s care and support before, during and after transfer to adult services, and the young person should meet a practitioner from each adult service before they transfer.

Social care

Your son or daughter may need social care support as an adult, whether or not they have been getting this support already. You may be continuing to provide care yourself, but this should not be taken for granted. As a carer you are entitled to an assessment of your own needs. This should explore whether you are able and willing to continue to provide support for your son or daughter, and what you need to support you at home, to enable you to take a break or to continue working or studying.

Your son or daughter will transfer from children’s to adult care services at around 18. The Care Act 2014 places duties on local authorities to carry out a transition assessment before a young person turns 18 if they are likely to need social care support as an adult. An assessment should also be carried out for a young person who is not receiving social care support but is likely to need this in the future. Young people, or parents on their behalf can request this assessment.

The Care Act says that there should be no gap in support whilst a young person is transferring from child to adult services. If needed, support from children's services must continue beyond 18 until support from adult services is in place.

Where there is an EHC plan, any support provided under the Care Act must be written into part H2. If your son or daughter has both education and social care needs, a residential placement may be the most suitable setting. Funding for the placement may come from both social care and education.

 Further advice about transferring to adult care services can be found at www.contact.org.uk/moving-into-adult-services

Health

If your son or daughter has health needs they may have been under the care of a paediatrician as a child. This can continue after 18 but at some point they will need to transfer to adult health teams. For many disabled young people the GP will be the main health professional coordinating their care. It is therefore helpful for your son or daughter to build and maintain a good relationship with their GP as early as possible, and ideally before transfer to adult services.

GP's are required to offer an Annual Health Check to all adults and young people over 14 on their register with moderate to profound learning disabilities, or those with mild disabilities and complex health needs. As well as checking your son or daughter's general health, it can also be an opportunity to review any support from other health professionals from other services, such as physiotherapy, for example.


Young people who have been receiving support from the Child and Adolescent Mental Health Service (CAMHS), will transfer to adult mental health services if they need ongoing support. This transition will happen at around 16-18 years old, depending on local services. Your son or daughter's CAMHS caseworker should coordinate the process. An assessment will be carried out by both teams to decide what future help your son or daughter will need. Transfer between the services should be smoothly coordinated so that support does not abruptly end with nothing to replace it.

If a young person has learning disabilities, autism or both and are in hospital or at risk of being admitted to hospital because of a mental health problem or because their behaviour is seen as challenging to services, they should also have a Care and Treatment Review which should be joined up with education to become a Care, Education and Treatment Review.

 For more information search for My Care and Treatment Review at www.england.nhs.uk

GUIDANCE FROM THE DEPARTMENT FOR EDUCATION

The Department for Education has published non-statutory guidance for local authorities on entitlement to EHC plans for 19-25 year olds. It aims to support them in making fair and consistent decisions about when they should maintain an EHC plan beyond the age of 19, or issue an EHC plan to a young person aged 19 or over. This is in line with their duties under the Children and Families Act 2014, and as described in the SEND Code of Practice.

 To find the guidance for local authorities please visit: www.gov.uk/send-19-to-25-year-olds-entitlement-to-ehc-plans

This factsheet is a general introduction to your son or daughter's rights to extra support in education from 19-25 years. For more detailed advice on your individual situation please contact our helpline. Our helpline advisers can advise you how your son and daughter's education, health and social care needs should be met as they transition to adulthood.

 **FREEPHONE HELPLINE**
0808 808 3555
helpline@contact.org.uk
www.contact.org.uk

HOW CONTACT CAN HELP

We are Contact, the charity for families with disabled children. We understand that life with a disabled child brings unique challenges, and we exist to help families feel valued, supported, confident and informed.

OUR HELPLINE

Our freephone helpline can give advice and information about any aspect of caring for a disabled child or young person, including help with finances, education, health, social care and practical support.

 **0808 808 3555**  **helpline@contact.org.uk**

You can also visit our website to find out more about the help, support and information we offer:

 **www.contact.org.uk**

Guides for parents

We have a range of free guides for parents, including:

- ***Personal Independence Payment and other benefits at 16***
- ***Introduction to the Care Act 2014***
- ***Challenging school transport decisions – England***
- ***Growing up, sex and relationships – for parents of young disabled people***

A full list of our guides is at the link below. All our guides are free to parents who call our helpline, and are free to download.

 **www.contact.org.uk/publicationslist**  **0808 808 3555**



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